

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**June 21, 2007**



**PV 07-27: Sergio Jaimes**

**CASE DESCRIPTION:** a request for approval of a six foot variance from the minimum 25-foot front building setback generally required on lots in residential zoning districts, to legitimize previous construction of a porch addition setback 19 feet from the front property line

**LOCATION:** 816 Mitchell Street between Morris Lane and Todd Street in Bryan, Brazos County, Texas

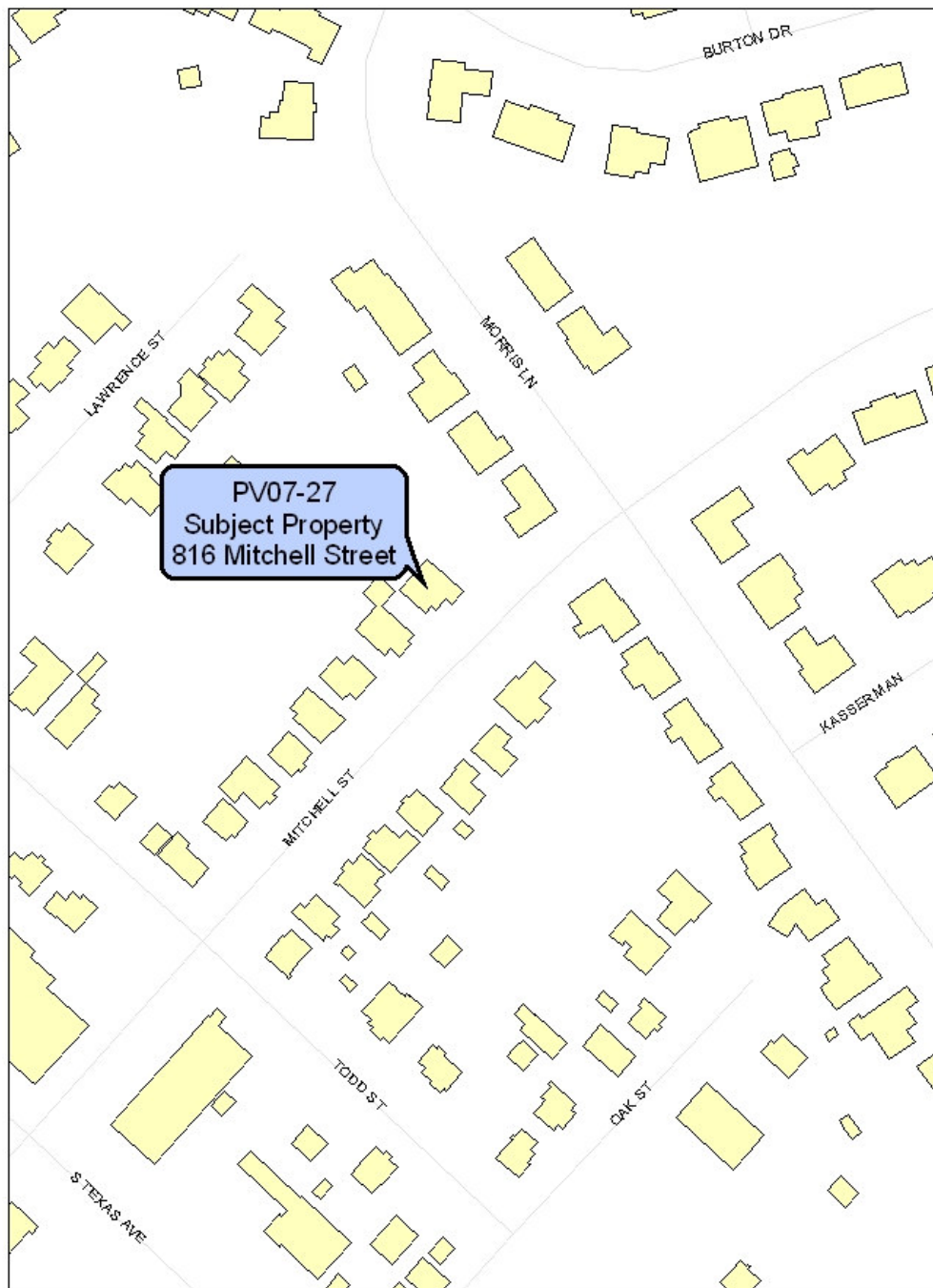
**LEGAL DESCRIPTION:** Lot 11 and parts of Lot 12 in Block 21 of the Mitchell-Lawrence-Cavitt Subdivision

**EXISTING LAND USE:** single-family homesite

**APPLICANT(S):** Sergio Jaimes

**STAFF CONTACT:** Randy Haynes, Staff Planner

**SUMMARY RECOMMENDATION:** Staff recommends **denying** the requested variance.





## **BACKGROUND:**

The applicant requests a 6-foot variance from the 25-foot building setback required on this property, to legitimize previous construction of a porch addition which is setback only 19 feet from the front property line. No building permit or plan review was obtained for the porch prior to construction. The property owner states in his application that he hired an independent contractor to build the addition and was told no permit was needed. The porch is unfinished and encroaches six feet into the front setback.

## **ANALYSIS:**

The Planning and Zoning Commission may authorize a variance from minimum building setback standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area (an area encompassing approximately a 200-foot radius);

**There has been recent new investment in this area. All of these new buildings have observed the 25 foot minimum setback regulation. Minimum front building setback standards are intended to help promote and preserve open space in neighborhoods and prevent the overcrowding of land with buildings. Approving this proposed variance may set an unwanted precedent. Owners of nearby properties may be encouraged to make similar requests, which the Commission would feel obligated to approve in a likewise manner. The long-term result may be the addition of ill conceived additions affecting the character of the neighborhood. Alternatively, space for a porch is available elsewhere on this property without encroaching within building setbacks.**

2. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property;

**As stated above, staff believes that granting this request for variance may not only adversely affect the physical character of development on this lot, but in this entire neighborhood.**

3. That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this chapter.

**Staff believes that the public benefit from continued compliance with minimum front building setback standards, in this particular circumstance, is greater than allowing this applicant retain this porch addition as built. Enforcing the minimum required front building setback, in this particular case, provides a uniform degree of open space in this area.**

## **RECOMMENDATION:**

Staff recommends **denying** the requested variance.